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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,392	12/17/1999	GEORGE SAMUEL FLEMING	PHA-23.888	1116

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

TREAT, WILLIAM M

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 12/01/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/466,392

Applicant(s)

FLEMING ET AL.

Examiner

William M. Treat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 5, 6. 6) ☐ Other: _____

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1. Claims 1-20 are presented for examination.
2. Applicant's election of Group IV, claims 5-10, in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. The examiner apologizes for a typographical error in the written restriction requirement which seemed to omit claim 10 which depends from claim 9.
4. Claims 1-4 and 11-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al. (Digital Systems: Hardware Organization and Design).
7. Hill taught the invention of claim 1 including a processing system (SIC, p. 19) comprising a processor (Fig. 6.9, page 186) that is configured to execute program instructions (Section 2.4, p. 21), a memory (M, p. 6.9) that is configured to contain operands (p. 19, Section 2.3), each operand having a corresponding operand address in the memory (p. 19, Section 2.3), at least one address register (MA, p. 164 and Fig. 6.9, p. 186) that is configured to contain an operand address (p. 19, Section 2.3), and wherein each of the at least one address registers (MA,

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p. 164) is configured to receive the operand address from the processor (Fig. 6.9, p. 186), and provide the operand address as an addressing input to the memory (M) only (Fig. 6.9, p. 186).

8. As to claim 6, Hill taught the system of claim 5 wherein the operand address lies within an operand address range (p. 19, Section 2.3), and each of the at least one address registers is sized to be a minimum size required to contain a span of the operand address range (M, MA, Fig. 6.9, p. 186).

9. As to claim 7, Hill taught the system of claim 5 wherein at least one instruction of the program instructions (Section 2.4, p. 21) effects a modification of at least two address registers (Section 2.4, p. 21 and Section 2.3.A, pp. 19-20). Execution of SIC memory reference instructions will cause the memory address register and the program counter (i.e., a register that stores the address of the next instruction) to be modified.

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

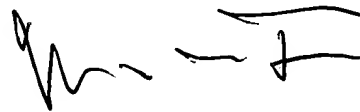
11. Claims 5-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 09/466,404. This is a provisional obviousness-type double patenting rejection.

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12. While claims 1-14 are more concerned with the elements of claims 8-10, a reading of pages 1-3 of the specification makes clear the elements of claims 5-7 are also present within the system of application 09/466,404.

13. The examiner regrets that the references from applicants' first IDS, submitted on 12/17/99, are missing from the file. The examiner readily obtained the US patent references but could not obtain the others as easily and therefore lined through the items.

14. Any inquiry concerning this communication should be directed to William M. Treat at telephone number 703 305 9699. The examiner works at home on Fridays but may normally be reached on Fridays by leaving a voice message using his office phone number. The examiner also works a flexible schedule but may normally be reached in the afternoon and evening on three of the remaining four weekdays.



**WILLIAM M. TREAT
PRIMARY EXAMINER**